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May 24, 2008

Mr. Troy Brady
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

ELECTRONICALLY FILED

Re: STB Docket No. AB-882
Minnesota Commercial Railway Company-Adverse
Discontinuance- Ramsey County, MN

Re: STB Docket No. AB-884
M T Properties, Inc.- Adverse Abandonment -
Ramsey County, MN

Dear Mr. Brady:

As you are aware, on May 2, 2008 the STB's Section of Environmental Analysis ("SEA") issued a Decision imposing a condition directing the Applicants to confer with the MPCA regarding salvage operations on the line of rail proposed for abandonment and report in writing as to the results of those consultations.

The proposed abandonment is taking place as part of a larger project known as the Northwest Quadrant Redevelopment Project. The MPCA is overseeing environmental remediation of the project, including the rail portion known as the Butcher's Spur. New Brighton has retained Barr Engineering to co-ordinate environmental remediation activities in connection with the project.

On May 7, 2008 New Brighton, in behalf of Applicants Minnesota Commercial Railway Co. and M T Properties, Inc., wrote seeking MPCA's consent to advise the SEA that hazardous materials remediation of the Butcher's Spur is being performed under MPCA oversight of the Northwest Quadrant Redevelopment

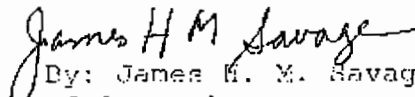
Project; that the line of rail proposed for abandonment is encompassed therein and a part thereof; and that, accordingly, SEA may proceed with its decision as to whether to grant abandonment authority in reliance upon MECA's oversight of environmental conditions pertaining to the subject property. See accompanying Exhibit A.

By reply dated May 20, 2008, MECA granted New Brighton's request. See accompanying Exhibit B. This action on MECA's part will hopefully eliminate potentially duplicative time, cost and effort in completing this project in a thorough and efficient manner.

In light of the foregoing, we would respectfully request the SEA to grant abandonment authority in reliance upon MECA's oversight of environmental conditions pertaining to the subject property.

We thank the Board for its time and consideration.

Respectfully submitted,
John D. Heffner, PLLC


By: James H. M. Savage
Of Counsel

Attorneys for Applicants

JHMS:mhd
Enc.

cc: Lawrence E. Zdon (w/enc.)
Grant Fernolius (w/enc. Via E-mail)
John Cohnmann (w/enc. Via E-mail)
Lee Larson (w/enc. Via E-mail)

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May 7, 2008

Lawrence S. Zdon
Minnesota Pollution Control Agency
520 Lafayette Rd. North
St. Paul, MN 55155-4194

Re: STB Docket No. AB-882
Minnesota Commercial Railway Company Adverse
Discontinuance- Ramsey County, MN

Re: STB Docket No. AB-884
MT Properties, Inc. - Adverse Abandonment - Ramsey
County, MN

Dear Mr. Zdon:

We represent the City of New Brighton ("New Brighton") in this matter.¹ By letter of February 8, 2008 we advised you of the proposed abandonment of the line of rail known as the Butcher's Spur. Your March 4, 2008 reply letter was supplied to the Surface Transportation Board ("STB") as part of our Environmental Report. On May 2, 2008 the STB's Section of Environmental Analysis ("SEA") issued a Decision imposing a condition directing the Applicants to confer with the MPCA regarding salvage operations on the line of rail proposed for abandonment and report in writing as to the results of those consultations. See attached Decision.

In its February 8th letter, New Brighton advised MPCA that the line is being abandoned as part of the Northwest Quadrant Redevelopment Project. (MPCA project numbers VP14550 and VP

¹ The City is undertaking this proposed abandonment on behalf of and with the cooperation of the property owner, MT Properties, Inc., and the former rail operator, Minnesota Commercial Railway Company.

EXHIBIT A

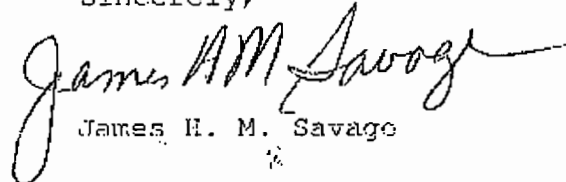
18560). New Brighton has retained Barr Engineering to co-ordinate environmental remediation activities in connection with the project.' Patrice Jensen of your agency is managing the project. You are a listed recipient of Ms. Jensen's March 24, 2008 letter to New Brighton.

As Ms. Jensen's letter indicates, MPCA is already taking steps to co-ordinate project oversight. Such co-ordination will undoubtedly go a long way toward eliminating potentially duplicative time, cost and effort in completing this project in a thorough and efficient manner.

In light of the foregoing, we would respectfully request your permission for the City to advise the SEA that hazardous materials remediation is being performed under MPCA oversight of the Northwest Quadrant Redevelopment Project; that the line of rail proposed for abandonment is encompassed therein and a part thereof; and that, accordingly, SEA may proceed with its decision as to whether to grant abandonment authority in reliance upon MPCA's oversight of environmental conditions pertaining to the subject property.

We appreciate your cooperation. If you have any questions, please contact me at the address and phone number at the top of this letter.

Sincerely,

A handwritten signature in black ink, reading "James H. M. Savago". The signature is fluid and cursive, with the first name "James" and last name "Savago" being more prominent than the middle initial "H. M.". The signature is written over the typed name "James H. M. Savago".

James H. M. Savago

Attorney for Applicant
City of New Brighton

JDF/mhd
Enc.

Cc: Patricia Jensen



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us

May 20, 2008

Mr. James H.M. Savage
John D. Heffner, PLLC Law Office
1750 K Street Northwest, Suite 350
Washington, D.C. 20006

RE: Rail Road Abandonment
Surface Transportation Board Docket No. AB-882
Minnesota Commercial Railway Company
Ramsey County, MN

Surface Transportation Board Docket No. AB-884
MT Properties, Inc.
Ramsey County, MN

Dear Mr. Savage:

In your letter of May 7, 2008, you requested confirmation from the Minnesota Pollution Control Agency (MPCA) that in the matter of the proposed abandonment of the line of rail known as Butcher's Spur, that actions taken by the City of New Brighton were fulfilling the Surface Transportation Board's (STB) Section of Environmental Analysis (SEA) condition directing the applicant to confer with the MPCA regarding salvage operations on the line of rail proposed for abandonment.

The May 2, 2008 STB's SEA Environmental Assessment decision regarding this abandonment included a condition that the City of New Brighton shall consult with the MPCA prior to the commencement of any salvage activities to ensure that any concerns related to adjacent Superfund sites and/or hazardous materials sites are addressed.

We appreciate the cooperation of the City of New Brighton on these issues and concur that the city may advise the SEA that hazardous materials remediation is being performed under MPCA oversight of the Northwest Quadrant Redevelopment Project, which includes the line of rail proposed for abandonment.

If you have any questions regarding our comments, please contact me at 651-297-8219, or by e-mail at lawrence.zdon@pca.state.mn.us.

Sincerely,

Lawrence S. Zdon

Lawrence S. Zdon
Senior Engineer Specialist
Stormwater Section
Municipal Division

LSZ:kk

EXHIBIT B